

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

IN RE:            Daniel James Miller            )            Case No. 04-33042-DOT  
                     Teresa Lynn Miller            )            Chapter 7  
                     Debtors                            )

**TRUSTEES RESPONSE FOR MOTION FOR  
RETURN OF UNCLAIMED FUNDS**

Harry Shaia, Jr., formerly the Trustee for the bankruptcy estate of Daniel James Miller and Teresa Lynn Miller, for his answer to the MOTION FOR RETURN OF UNCLAIMED FUNDS states, as follows:

1. The debtors were required to file copies of their 2003 Tax Returns with the Trustee. The returns were not filed or proof of filing was not provided to the Trustee.

2. The Trustee filed his Trustees Final Report and pursuant thereto made a distribution to the creditors. The Order of distribution provided that the debtors were entitled to a homestead exemption of \$10,900.00 and \$2,450.00 for post petition improvements to real estate but these amounts could not be paid because the debtors had not advised the Court or the Trustee of their current address and the Trustee was withholding these funds until the requested Tax Returns had been provided to the Trustee. In due course, the funds were paid into the Court and the Trustee filed his final report and was discharged from his trust.

3. The Trustee still has not been provided with the requested tax returns.

Wherefore, the respondent asks the Court not to disburse the unclaimed funds to the debtors until such time as the tax returns have been filed with the appropriate governmental agency and any refunds which may be due the debtors are remitted to the Trustee.

Harry Shaia, Jr., Esq., Trustee  
VSB No. 5897  
Spinella, Owings & Shaia, P.C.  
8550 Mayland Drive  
Richmond, VA 23294  
(804) 747-0920

Date: August 29, 2005

HARRY SHAIA, JR, TRUSTEE

By: /s/ Harry Shaia, Jr.

Harry Shaia, Jr., Esq., Trustee  
VSB No. 5897  
Spinella, Owings & Shaia, P.C.  
8550 Mayland Drive  
Richmond, VA 23294  
(804) 747-0920

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2005, a true copy of the foregoing Motion was electronically served and/or mailed, postage prepaid, to:

Daniel James Miller  
Teresa Lynn Miller  
c/o Kathy Reichley  
33498 Parker Rd.  
Locust Grove, VA 22508  
540-907-7884

Dale E. Adams, Esq.  
Dale E. Adams, Attorney  
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Counsel for Debtor

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Assistant U.S. Trustee

/s/ Harry Shaia, Jr.  
Harry Shaia, Jr.